

500.31617CX1/B9295-02EW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hisataka SUGIYAMA *et al.*  
 Appl'n No. : 08/427,866  
 Filed : 26 April 1995  
 For : THREE-DIMENSIONAL RECORDING  
 AND REPRODUCING APPARATUS  
 Group AU : 2899 (Indicated in PAIR)  
 Examiner : Mark J. Reinhart (Indicated in PAIR)  
 Conf. No. : 4338 (Indicated in PAIR)

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APR 18 2005

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APR 20 2005

OFFICE OF PETITIONS

**THIRD PETITION UNDER 37 CFR §1.181 AND  
 REQUEST FOR FORMAL ACKNOWLEDGMENT UNDER 37 CFR §1.251**

**Mail Stop Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

18 April 2005

Sir:

In the matter of the above-identified application, Applicant has previously filed a first §181 Petition on 20 April 2004 and a second §181 Petition on 3 November 2004 in attempts to obtain any action in the present application, or acknowledgment of any papers filed in connection therewith, by the USPTO. Applicant also has attempted to resolve the improper and unwarranted lack of action or acknowledgment by the USPTO in this case using both telephone inquiries to USPTO personnel, e.g., Davis Willis, Brian Hearn, Mark Reinhart, John Barlow, Stephen Meier, etc., and facsimile resubmission of many of the official/formal papers of record in the application via facsimile directly to Stephen Meier in the Office of Petitions on 16 July 2004. In fact, there has been no action whatsoever taken by the Office in this case in the four (4) years since mailing the Decision on Petition, i.e.,

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SUGIYAMA *et al.*, SN 08/427,866  
3<sup>RD</sup> §181 Petition filed 18 April 2005

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**the USPTO continues to improperly refuse to examine or act upon this application, or to acknowledge or act upon any formal papers filed therein.**

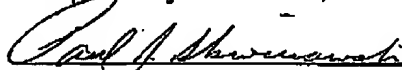
Applicant notes that there now is an entry in the USPTO docket system PAIR dated 21 January 2005 in the Transaction History section thereof, indicating that the status of this application is "File Marked Lost." Again, no Notification under 37 CFR §1.251 or any other Communication has been mailed by the Office to notify Applicant of the loss of the file by the USPTO, or to request Applicant to furnish an accurate and complete copy of correspondence between the Office and Applicant from Applicant's own file.

Applicant already has made every attempt possible to obtain correction of the records and examination of this application, and yet such examination still has not taken place. Accordingly, **Applicant respectfully submits this THIRD §181 Petition seeking IMMEDIATE ACTION in the form of issuance of a Notice Under 37 CFR §1.251 avowing irremediable loss of the Office file by the USPTO and requesting a copy of Applicant's file for the subject application.**

Submitted concurrently herewith is another Information Disclosure Statement with Form PTO-1449 and copies of references for entry and consideration in the subject application.

No fees are required or appropriate for this Petition.

Respectfully submitted,



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